

109TH CONGRESS
1ST SESSION

S. 24

To establish an emergency reserve fund to provide timely financial assistance
in response to domestic disasters and emergencies.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mrs. HUTCHISON introduced the following bill; which was read twice and
referred to the Committee on the Budget

A BILL

To establish an emergency reserve fund to provide timely
financial assistance in response to domestic disasters and
emergencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Reserve
5 Fund Act of 2005”.

6 **SEC. 2. EMERGENCY RESERVE FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States, under the office of the Sec-
9 retary of the Treasury, an Emergency Reserve Fund (re-
10 ferred to in this Act as the “Fund”). The Fund shall be

1 available to provide financial resources to respond to do-
 2 mestic disasters and emergencies described in subsection
 3 (c).

4 (b) APPROPRIATIONS.—

5 (1) IN GENERAL.—The Fund shall consist of
 6 such sums as are appropriated in accordance with
 7 this subsection.

8 (2) DEFINITION.—For purposes of this sub-
 9 section, the term “operating expenditures” means an
 10 amount equal to the average domestic, non-defense,
 11 discretionary spending by the Federal Government
 12 spending for each of the last 5 years.

13 (3) DEPOSITS INTO FUND.—On October 1 of
 14 each fiscal year, the Secretary of the Treasury shall
 15 make a cash deposit into the Fund of—

16 (A) an amount sufficient to bring the
 17 Fund balance up to 1.2 percent of the oper-
 18 ating expenditures; or

19 (B) such an amount as may be required to
 20 replenish the Fund.

21 (4) REPLENISHMENT.—There shall be appro-
 22 priated, for each fiscal year, sufficient amounts to
 23 the Fund to replenish any amount allocated from
 24 the Fund during the preceding fiscal year so that—

(A) not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the Fund to the 1.2 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation; and

(B) 100 percent of the amount allocated or the amount necessary to restore the Fund to the 1.2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.

(5) ADDITIONAL APPROPRIATIONS.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider any appropriation beyond the levels described in paragraphs (2) and (3).

(B) SUPERMAJORITY WAIVER AND APPEAL.—This paragraph may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

1 (c) USE OF FUNDS.—Amounts in the Fund shall only
 2 be available to meet the emergency funding requirements
 3 for particular domestic disasters and security emer-
 4 gencies—

5 (1) as designated by a joint resolution of Con-
 6 gress; or

7 (2) as declared by the President pursuant to
 8 the Robert T. Stafford Disaster Relief and Emer-
 9 gency Assistance Act.

10 **SEC. 3. PERMANENT APPROPRIATION.**

11 Section 1305 of title 31, United States Code, is
 12 amended by adding at the end the following:

13 “(11) EMERGENCY RESERVE FUND.—To make
 14 payments into the Emergency Reserve Fund in ac-
 15 cordance with the Emergency Reserve Fund Act of
 16 2005.”.

17 **SEC. 4. CONGRESSIONAL BUDGET PROCESS.**

18 (a) BUDGET RESOLUTIONS.—Section 301(a) of the
 19 Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is
 20 amended—

21 (1) by redesignating paragraphs (6) and (7) as
 22 paragraphs (7) and (8) respectively; and

23 (2) by inserting after paragraph (5) the fol-
 24 lowing:

1 “(6) total new budget authority and total budg-
 2 et outlays for emergency funding requirements for
 3 domestic disasters and emergencies, which shall be
 4 transferred to the Emergency Reserve Fund estab-
 5 lished under section 2 of the Emergency Reserve
 6 Fund Act of 2005.”.

7 (b) ADJUSTMENT FOR EMERGENCY APPROPRIA-
 8 TIONS.—Section 251(b)(2) of the Balanced Budget and
 9 Emergency Deficit Control Act of 1985 (2 U.S.C.
 10 901(b)(2)) is amended—

- 11 (1) by striking subparagraph (A); and
- 12 (2) by redesignating subparagraphs (B)
- 13 through (G) as subparagraphs (A) through (F).

14 **SEC. 5. REPORTING.**

15 Not later than November 30, 2006, and annually
 16 thereafter, the Director of the Office of Management and
 17 Budget shall submit a report to the Senate and the House
 18 of Representatives that lists the amounts expended from
 19 the Fund for the prior fiscal year for each disaster or
 20 emergency pursuant to section 2(c).

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